

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

8355 Highfield Drive (Volvo)
Associates, LLC,

Plaintiff,

v.

Transamerica Life Insurance
Company, et al.,

Defendants.

Case No. 2:09-cv-00085

Judge Marbley

Magistrate Judge Kemp

Volvo Group North America, Inc.
d/b/a Volvo Parts North America,

Plaintiff,

v.

Aegon USA Realty Advisors, Inc., et. al.,

Defendants.

Case No. 2:09-cv-130

(Consolidated with Case No.
2:09-cv-00085)

AGREED ENTRY DIRECTING DISBURSAL OF FUNDS HELD IN THE REGISTRY OF
THE COURT AND DISMISSING ALL CLAIMS WITH PREJUDICE

These consolidated cases involve an initial action filed by 8355 Highfield Drive (Volvo) Associates, LLC (“Highfield”) asserting claims against Transamerica Life Insurance Company, successor by merger to Transamerica Occidental Life Insurance Company, and AEGON USA Realty Advisors, Inc. (collectively, the “AEGON Parties”) filed in the Court of Common Pleas for Delaware County, Ohio, Case No. 09-CVH-01-0086. The AEGON Parties subsequently removed that case to this Court as Case No. 2:09-cv-00085. The AEGON Parties then filed counterclaims against Highfield and a

third-party complaint against Dov Rabinowitz, Goldy Rabinowitz, Jacques Freund and Morris Levy (collectively, the “Third-Party Defendants”).

In connection with certain rental payments owed by Volvo Group North America, Inc., d/b/a Volvo Parts North America (“Volvo”), Volvo filed an interpleader complaint in this Court against Highfield and Volvo that was assigned Case No. 2:09-cv-00130. With the consent of all parties, Volvo commenced depositing the rental payments into the Registry of the Court and the interpleader case was consolidated with Case No. 2:09-cv-00085. As of July 1, 2009, the amount of Volvo’s deposits and accrued interest held in the Registry of the Court was \$807,609.67.

Upon Joint Motion of the parties to implement a settlement agreement and for good cause shown, it is hereby ORDERED that the Clerk of Courts shall pay the amount on deposit in the Registry of the Court for this case, plus accrued interest but less the Court’s Registry fee, to Lawyers Title Insurance Corporation, 4111 Executive Parkway, Suite 304, Westerville, OH 43081 (Attention Nancy Moore). It is also ORDERED that Highfield’s claims against the AEGON Parties, the AEGON Parties’ counterclaim against Highfield, the AEGON Parties’ third-party complaint against the Third-Party Defendants and Volvo’s interpleader complaint against Highfield and the AEGON Parties are hereby dismissed with prejudice. Each party shall bear its own costs.

IT IS SO ORDERED.

s/Algenon L. Marbley
United States District Judge

AGREED:

s/ Michael R. Reed
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to Transamerica Occidental Life Insurance
Company, and AEGON USA Realty
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